

Release
Date: May 19, 1999
Release #: S.C. 20/99

SUMMARY OF CASES ACCEPTED DURING THE WEEK OF MAY 10, 1999

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-62 Griset v. Fair Political Practices Com., S077219. (G018853; 69 Cal.App.4th 818.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for declaratory and injunctive relief. This case generally involves the validity of Government Code section 84305, which requires candidates or groups supporting or opposing a candidate to identify themselves on any mass mailings, and presents two issues: (1) Did the initial appeal in this matter (Griset v. Fair Political Practices Com. (1994) 8 Cal.4th 861, cert. den. (1995) 514 U.S. 1083 (Griset I)) constitute a final determination of all claims in this proceeding? (2) Does the United States Supreme Court decision in McIntyre v. Ohio Elections Comm'n (1995) 514 U.S. 334 conflict with Griset I and render section 84305 unconstitutional on its face?

#99-63 Lee v. Superior Court, S077289. (B126521; 69 Cal.App.4th 1121.) Petition for review after the Court of Appeal denied a petition for peremptory writ of prohibition. The court limited review to the issue of whether one can violate

Penal Code section 529 by falsely impersonating a relative who, in fact, is deceased.

#99-64 People v. Odam, S077469. (D028490, D029822; 69 Cal.App.4th 1192.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses and denied a petition for writ of habeas corpus. This case presents an issue, concerning removal of a juror believed to be unwilling to follow the law, which is related to an issues before the court in People v. Williams, S066106. (See #98-21.)

#99-65 People v. Rivera, S077400. (B117372; 69 Cal.App.4th 1289.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes an issue, concerning whether a Court of Appeal may decline to consider a claim that the trial court failed to impose a mandatory fine when the People have not first sought correction in the trial court, which is related to an issue before the court in People v. Baltazar, S075450 (see #99-23) and People v. Parker, S074831 (see #99-24).

#99-66 People v. Rodriguez, S077112. (B121090.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses. This case presents an issue, concerning the circumstances under which Penal Code section 2933.1 limits pretrial credits for defendants receiving life sentences under the Three Strikes Law, which is related to an issue before the court in People v. Thomas, S075090. (See #99-19.)

#99-67 People v. Ruse, S077240. (D028459.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents issues, concerning whether admission of an accomplice's statement as a declaration against interest violated the confrontation clause, which are related to issues before the court in People v. Duarte, S068162. (See #98-45.)

#99-68 Washington Mutual Bank v. Superior Court, S070418. (G023218; 70 Cal.App.4th 299, mod. 70 Cal.App.4th 1287d.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case concerns 1) the propriety of certification of a nationwide class where the mortgage contract of each member of the class contains a choice-of-law clause mandating the application of the law of the state where the property is located, and 2) who has the burden of proof whether the application of the laws of the different states would produce different results when class certification is opposed because of such choice-of-law clauses.

#99-69 People v. Wright, S077185. (C025971.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents an issue, concerning whether the 1996 revision of CALJIC 9.00 correctly defines the mens rea of assault, which is related to an issue before the court in People v. Williams, S076262. (See #99-53.)

DISPOSITION

97-12 Adoption of Haley A., S057197, was dismissed upon request of the parties.

#